THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 34266 OF 1997

Dated 14th March 2007

Between:

Pasumarthy Chakradhar Rao
S/o.P.Vishwawnadham

…Petitioner

and

The Revenue Divisional Officer, Palvoncha Mandal, Khammam District & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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O R D E R:

The petitioner challenges the proceedings dated 3.12.1997, issued by the Mandal Revenue Officer, Ashwaraopet, the 2nd respondent herein. The petitioner states that he purchased the land in Sy.Nos.122/63, 122/66, 122/86, 122/87, 122/8789 and 122/94, admeasuring Acs.23-17 guntas, in the year 1960, and that he is cultivating it, ever since then. It is also stated that at the instance of some persons, proceedings were initiated against him, under the A.P. Scheduled Area Land Transfer Regulation 1959, read with Regulation 1 of 1970, (for short "the Regulation"), and through his orders, dated 23.1.1990, the Special Deputy Collector held that the regulations do not apply to the lands in the said survey numbers.

The 2nd respondent issued the impugned proceedings, directing

eviction of the petitioner and required the 3rd respondent, to take over possession.

Though 10 years have elapsed from the date of filing of the writ petition, the respondents have not chosen to file any counter affidavit.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

In respect of the land in the survey numbers referred to above, the Special Deputy Collector, Paloncha, initiated proceedings under the Regulation, on a consideration of the relevant documents. He observed as under:

> "Hence, the Andhra Pradesh Scheduled Area Land Transfer Regulation 1959, read with 1 of 1970, is not applicable in this case. Therefore, further proceedings are dropped."

The lands mentioned in the scheduled area are those in Survey Nos. 122/65, 122/66, 122/88 and 122/90.

It is not in dispute that Vedanthapuram village is in scheduled area. If any illegal activities on any Government land are noticed, it is for the Special Deputy Collector, to initiate proceedings. Such proceedings have been initiated and dropped against the petitioner. The Mandal Revenue Officer is not conferred with any power. Even assuming that the 2nd respondent is conferred with the power to evict any persons from the unauthorized occupation of Government land, it was his obligation to issue notice to the affected parties. The question as to whether the land in a particular survey number belongs to Government, or whether the occupants thereof, are liable to be evicted,

need to be specifically dealt with, after considering the explanation submitted by the affected parties. In the instant case, the 2nd respondent has issued order of eviction, straight away, without either issuing notice to the petitioner, or verification of the records.

Therefore, the writ petition is allowed, and the impugned order is set aside. There shall be no order as to costs.

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14th March 2007

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